

REMARKS

Status of Claims:

Claims 1-48 were originally filed with the patent application. Claims 16-30 were canceled and Claims 49-63 were added in a Second Preliminary Amendment dated March 7, 2007. Claims 7-11, 14, 15, 32-37, 46, 48, 55-59, 62, and 63 were withdrawn pursuant to a Species Restriction dated September 18, 2007. Claims 43 and 47 were canceled by an Amendment and Response filed on April 24, 2008. Claims 32-37 and 52 are being canceled by this Amendment and Response. Claims 64-67 are being added by this Amendment and Response. Therefore, Claims 1-6, 12, 13, 31, 38-42, 44, 45, 49-51, 53-54, 60, 61, and 64-67 will be pending upon entry of this Amendment and Response.

Office Action References:

Applicant expressly reserves the right to respond to any rejection in the outstanding Office Action by filing an appropriate affidavit under 37 C.F.R. §1.131 in any subsequent Response, where appropriate. Therefore, any addressing of the deficiencies of any reference herein is not an admission as to the prior art status of any such reference. Moreover, any failure to address the Examiner's interpretation with regard to any reference is not an admission by Applicant that the Examiner's position is in fact accurate. Finally, Applicant's response should not be construed as an admission as to the appropriateness of the various combinations proposed by the Examiner.

Allowable Subject Matter:

The Examiner has allowed Claims 1-6, 12, and 13, and has indicated that Claims 44 and 52 would be allowable if presented in independent form. Claim 52 has been presented in independent form by the above-noted amendment of Claim 49. Therefore, Claim 49 and all claims depending therefrom are allowable.

Withdrawn Claims:

Based upon the allowability of Claim 1, Applicant requests that the withdrawn status of Claims 7-11, 14, and 15 (which depend, directly or indirectly, from Claim 1) be removed by the Examiner.

Based upon the acknowledged allowability of Claim 49 (by its presentation of objected to Claim 52 into independent form), Applicant requests that the withdrawn status of Claims 55-59 and 62-63 (which depend, directly or indirectly, from Claim 49) be removed by the Examiner.

5 Independent Claim 31:

Claim 31 stands rejected under 35 U.S.C. §103 based upon U.S. Patent Application Publication No. 2002/0088196 (Haddock) in combination with U.S. Patent No. 4,467,582 (Hague). Applicant respectfully requests reconsideration of the outstanding rejection. The entire combination of features required by Claim 31 will not be repeated. Instead, those particular features that are not
10 disclosed or suggested by the cited references will be addressed herein. However, such features remain a part of a larger combination of features that defines Claim 31.

Claim 31 requires first and second clamping members of a type that is not disclosed by Haddock, Hague, or any combination thereof. Hague is cited by the Examiner only in relation to features of Claim 31 pertaining to the panel assembly, and thereby need not be addressed in relation
15 to the first and second clamping members of Claim 31. The first and second clamping members of the clamp used by Claim 31 are separate parts. The first and second clamping members engage different sidewalls of the first rib, and each also extends beyond the first rib (on which the clamp used by Claim 31 is mounted) in a direction that is away from a first reference plane (e.g., reference plane 34 disclosed in the original specification, and shown in Figure 4B) that contains the first and
20 second base sections of the panel assembly. Only one part in Haddock is disposed above the standing seam 62 shown in its Figure 7C, which is specifically referenced by the Examiner in the rejection of Claim 31, and that is the clamp body 204. The insert 224 shown in Figure 7C of Haddock is not positioned above the illustrated standing seam 62.

The first clamping member of Claim 31 includes a mounting flange in the form of a
25 cantilever that extends away from a second reference plane that is orthogonal to the first reference plane (that contains the first and second base sections of the panel assembly), where this second reference plane also extends along a length dimension of the first rib. A "cantilever" is a structure that is supported on only one end. The mounting flange defined by Claim 31 is not disclosed or suggested by Haddock. The upper section of the clamp body 204 disclosed in Figure 7C of Haddock
30 (the portion disposed above the head 70 of the standing seam 62) is not a cantilever – the clamp body

204 includes portions that extend downwardly from this upper section on each side of the standing seam 62.

Based upon the foregoing, Claim 31 is allowable over Haddock and Hague. Claims 64-67, which depend from Claim 31, are thereby also allowable over Haddock and Hague for the above-noted reasons. There is therefore no need to separately address the patentability of each of these claims and/or the Examiner's interpretation in relation to any of these claims or any of the references of record in relation thereto.

Independent Claim 38:

Claim 38 also stands rejected under 35 U.S.C. §103 based upon Haddock and Hague. Applicant respectfully requests reconsideration of the outstanding rejection. The entire combination of features required by Claim 38 will not be repeated. Instead, those particular features that are not disclosed or suggested by the cited references will be addressed herein. However, such features remain a part of a larger combination of features that defines Claim 38.

The Examiner refers to the standing seam 62 shown in Figure 7C of Haddock as a "first rib." Regardless of whether this characterization is appropriate or not, what is relied upon by the Examiner in Figure 7C of Haddock cannot be matched up with Claim 38. The Examiner appears to refer to the extension 66 (collectively defined by a pair of panels) of the standing seam 62 in Figure 7C of Haddock as the two sidewalls of the first rib of Claim 38. The extension 66 of the standing seam 62 in Figure 7C of Haddock is defined by portions of two panels that are parallel to each other. Each of the two panel portions that collectively define the extension 66 of the standing seam 62, again referred to as sidewalls by the Examiner, lack an indentation of any type. Claim 38 requires that the second sidewall of the first rib include an indentation, and the second clamping member includes a second head that is disposed in this indentation.

The first and second clamping members of the clamp used by Claim 38 are separate parts. The first and second clamping members engage different sidewalls of the first rib, and each also extends beyond the first rib (on which the clamp used by Claim 38 is mounted) in a direction that is away from a first reference plane (e.g., reference plane 34 disclosed in the original specification, and shown in Figure 4B) that contains the first and second base sections of the panel assembly. Only one part in Haddock is disposed above the standing seam 62 shown in its Figure 7C, which is specifically

referenced by the Examiner in the rejection of Claim 38, and that is the clamp body 204. The insert 224 shown in Figure 7C of Haddock is not positioned above the illustrated standing seam 62.

The first clamping member of Claim 38 includes a mounting flange in the form of a cantilever that extends away from a second reference plane that is orthogonal to the first reference plane (that contains the first and second base sections of the panel assembly), where this second reference plane also extends along a length dimension of the first rib. A "cantilever" is a structure that is supported on only one end. The mounting flange defined by Claim 38 is not disclosed or suggested by Haddock. The upper section of the clamp body 204 disclosed in Figure 7C of Haddock (the portion disposed above the head 70 of the standing seam 62) is not a cantilever – the clamp body 204 includes portions that extend downwardly from this upper section on each side of the standing seam 62.

Based upon the foregoing, Claim 38 is allowable over Haddock and Hague. Claims 39-42, 44, and 45, which depend from Claim 38, are also allowable over Haddock and Hague. There is therefore no need to separately address the patentability of each of these claims and/or the Examiner's interpretation in relation to any of these claims or any of the references of record in relation thereto.

Conclusion:

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such a disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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